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09/893,339	06/26/2001	Gary J. Rosenthal	42830-00236	1140
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SUITE 411	VAUGHN WAY	DEBERRY, REGINA M		
AURORA, C	O 80014		ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			Application No.	Applicant(s)				
Examiner			09/893.339	ROSENTHAL FT AL				
Period for Reply A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE I MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE I MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Educations of time may be available under the provisions of 37 CPR 1.1369.1 In no went, however, may a reply be limely field and reply supported above its was the san thiny (30) cert, a vary within the side of very provisional date of the provisional place of this communication. If the provision is the state of the provisions of the san thiny (30) cert, a vary within the state or very reply be limely freed and the place of the provisional place of the communication. The place of the provisional place of the provisional place of the school of the place of the p	Office Action Summary							
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Art Unit: 1647

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed.

To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1647, Regina M.

DeBerry.

Applicant's species election without traverse of hematopoietic growth factor G-CSF and second biocompatible polymer hydroxypropyl methylcellulose in Paper No. 7 (22 October 2002) is acknowledged.

Upon additional consideration, further restriction of the elected invention under 35 U.S.C. 121 is required.

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- 2. This application contains claims directed to the following patentably distinct species of the claimed invention: use of various first biocompatible polymers.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species of either:

- a. polyoxypropylene,
- b. polyoxyethylene,
- c. polyoxyethylene and polyoxypropylene wherein the polyoxypropylene has the formula in claim 15

d. polyoxyethylene and polyoxypropylene wherein the polyoxypropylene has the formula in claim 16.

for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina M. DeBerry whose telephone number is (703) 305-6915. The examiner can normally be reached on Mondays-Fridays 8:00 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on (703) 308-4623. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

RMD

December 14, 2002